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3 Nevada State Bar No. 11479
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7 United States District Court
8 District of Nevada

9 Jess Elijo Carranza, Jimmy Carter Kim,

10 Plaintiffs/Petitioners,

11 v.

12 Brian Koehn, Warden, Nevada Southern
13 Detention Center,

14 Defendant/Respondent

Case No. 2:20-cv-01586-GMN-DJA

Motion for Scheduling Order

15 This case began as a hybrid habeas/civil rights action.¹ This Court promptly
16 ordered the complaint-petition to be served on respondent-defendant by (1)
17 delivering a copy along with the summons and exhibits on the USAO for the District
18 of Nevada and (2) delivering the same to Warden Koehn at NSDC.² Service was
19 made, and an AUSA along with two attorneys from Struck Love Bojanowski &
20 Acedo, PLC, entered notices of appearance on behalf of the Warden.³ This Court
21 also ordered the Warden to file an answer by September 17, 2020.⁴
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25 ¹ ECF No. 1.

26 ² ECF No. 5.

27 ³ ECF No. 9–11.

⁴ ECF No. 5.

1 Through the USAO, the Warden filed a response and a motion to dismiss.⁵
2 On October 16, 2020, this Court granted in part and denied in part the motion to
3 dismiss, dismissing Carranza and Kim's habeas corpus claims but denying the
4 motion without prejudice in all other respects.⁶ Because the habeas portion of this
5 case has been dismissed and it is now proceeding solely as a civil-rights case
6 premised on this Court's inherent authority under 28 U.S.C. 1331 (which is the
7 same authority from which *Bivens* derives), plaintiffs respectfully request that this
8 Court issue a scheduling order under Local Rule 16-1(b) so that this case may
9 proceed.

10 Dated: October 30, 2020.

11 Respectfully submitted,
12 Rene L. Valladares
13 Federal Public Defender
14 /s/ Erin Gettel
15 Erin Gettel
16 Assistant Federal Public Defender
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26 ⁵ ECF Nos. 12, 13.

27 ⁶ ECF No. 24.

CERTIFICATE OF ELECTRONIC SERVICE

The undersigned hereby certifies that he is an employee of the Federal Public Defender for the District of Nevada and is a person of such age and discretion as to be competent to serve papers.

That on October 30, 2020, he served an electronic copy of the above and foregoing **Motion for Scheduling Order** by electronic service (ECF) to the person named below:

NICHOLAS A. TRUTANICH
United States Attorney
HOLLY A. VANCE
Assistant United States Attorney
501 Las Vegas Blvd. South
Suite 1100
Las Vegas, NV 89101

/s/ Brandon Thomas
Employee of the Federal Public
Defender